

November 5, 2001

EX PARTE

Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: CC Docket Nos. 96-98; 96-262

Dear Ms. Salas:

On November 2, 2001, I, on behalf of Time Warner Telecom (TWTC), was contacted by telephone by Sam Feder, Senior Legal Advisor to Commissioner Martin. The purpose of the call was to clarify TWTC's position as to whether an NPRM related to mandated national business rules (defining how performance should be tracked and reported) and performance benchmarks (defining standard time intervals and other performance requirements) for interstate special access should be part of the NPRM that the Commission is expected to adopt related to national performance measurements and standards for unbundled network elements and interconnection. In response to the clarification request, I stated that it is TWTC's position that it would be appropriate to consider national business rules and performance benchmarks for interstate special access in a proceeding separate from the NPRM on unbundled network elements and interconnection.

Because the NPRM related to unbundled network elements and interconnection has been placed on the agenda for the Commission's November 8, 2001 Open Commission Meeting, the Sunshine prohibitions apply to *ex parte* contacts regarding this NPRM. *See* 47 C.F.R. § 1.1203. However, because the discussion at issue occurred because Mr. Feder requested clarification of TWTC's position, the discussion is subject to an exemption under Section 1.1204(a)(10) of the Commission's rules. *See* 47 C.F.R. § 1.1204(a)(10). Pursuant to Section 1.1204(a)(10)(iv), I am hereby filing an *ex parte* notice of this conversation. *See* 47 C.F.R. § 1.1204(a)(10)(iv); 47 C.F.R. § 1.1206(b)(2).

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), a copy of this letter is being filed electronically for inclusion in the public record of the above-referenced proceedings.

Sincerely,

/s/

Kelsi Reeves

cc: Sam Feder